

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

CATHERINE ANN KRAMER,

Plaintiff,

v.

HENRY INDUSTRIES, INC.,

Defendant.

No. 4:20-cv-01621 SRC

Memorandum and Order

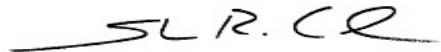
This matter is before the Court upon review of the file. Plaintiff Catherine Ann Kramer commenced this employment discrimination action on November 16, 2020, by filing a complaint under the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 *et seq.*, against her former employer Henry Industries, Inc. On February 8, 2021, the Court entered an Order directing Kramer to file an amended motion for leave to proceed in forma pauperis or pay the full filing fee. Doc. 12. As explained in the Court's Order, Kramer's pending motion to proceed in forma pauperis (Doc. 2) does not comply with the Local Rules of this Court or the federal statute under which it may be granted because Kramer provided incomplete answers to the form questions. The Court cautioned Kramer that her failure to timely comply with the Order would result in the dismissal of her case.

Kramer's response was due by March 1, 2021. To date, however, Kramer has neither responded to the Court's Order, nor sought additional time to do so. Kramer was given meaningful notice of what was expected, she was cautioned that her case would be dismissed if she failed to timely comply, and she was given ample time to comply. Therefore, this action will be dismissed without prejudice due to Kramer's failure to comply with the Court's February 8, 2021 Order, and

her failure to prosecute her case. *See* Fed. R. Civ. P. 41(b); *see also Link v. Wabash R.R. Co.*, 370 U.S. 626, 630-31 (1962) (“The authority of a court to dismiss sua sponte for lack of prosecution has generally been considered an ‘inherent power,’ governed . . . by the control necessarily vested in courts to manage their own affairs so as to achieve the orderly and expeditious disposition of cases.”); *Brown v. Frey*, 806 F.2d 801, 803–04 (8th Cir. 1986) (a district court has the power to dismiss an action for the plaintiff’s failure to comply with any court order).

Accordingly, the Court dismisses this case without prejudice. An order of dismissal will be entered separately. The Court denies Kramer’s motion for leave to proceed in forma pauperis, Doc. 2, as moot. The Court certifies that an appeal from this dismissal would not be taken in good faith.

So Ordered this 17th day of March 2021.



STEPHEN R. CLARK
UNITED STATES DISTRICT JUDGE